REMARKS

Claims 1-13 are pending.

In the final Office Action of February 19, 2008, the Abstract of the invention was objected to as not being in proper format. The Office Action discusses 150 words or less. The Abstract is 142 words. The Office Action mentions legal phraseology. There are no "means" or "said" in the Abstract. Similarly the remaining objectionable items mentioned in the Office Action are likewise not in the Abstract. Applicant respectfully requests the Examiner specifically point out what is improper with the Abstract and the MPEP section relied upon or withdraw the objection.

Rejections under 35 U.S.C. §102(e)

According to the Office Action, claims 1-13 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,954,894 (hereinafter "Balnaves").

In the "Response to Arguments" section it is argued that Fig. 6A of Balnaves shows the claimed "selecting a range of data by positioning a pointer between a range start point and a range end point." The Office Action asserts: "The range selected by positioning a pointer in the entire dark area made up of node 610 and 611." However, the Office Action is not considering the actual claim language of claim 1 and leaves out the portion "by positioning a pointer between a range start point and a range end point" (Emphasis added). Balnaves does not teach positioning a pointer between a range start point and a range end point." The Office action asserts "by positioning a pointer in the entire dark area," however, Balnaves makes clear there is no dark area until the pointer is positioned. Therefore Balnaves does not teach positioning a pointer in the entire dark area.

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Furthermore 610 and 611 of Balnaves are not nodes and clearly do not represent a range start point and a range end point. These are "zones of interest" which are around a point of significance 605 (which zone of interest is <u>after</u> the pointer is positioned). Balnaves clearly describes positioning the pointer <u>at a point</u> of significance. A point does not have a range start point and a range end point; therefore, the claimed features cannot be taught by Balnaves.

Col. 13, lines 18-29 of Balnaves states:

"One method of implementing this interaction is to allow the user to indicate <u>a point of significance</u>, **605**, and the embodiment, typically through the application of rules within the template(s) may infer <u>zones</u>, **610** and **611**, <u>before and after the point of interest that may be selected</u> and extracted for inclusion in the production and application by the template. Typically, the durations, **606, 607**, of <u>the zones of interest, 610, 611</u>, around the indicated point, **605**, may be determined or defined or calculated within the template, typically by authored heuristics indicating the required or desired extracted content length for any time-based position within the output production." (Emphasis added).

Balnaves finds <u>a point</u> of significance around which there is a zone of interest and does not suggest the claimed features.

In addition, applicant's claim 1 recites: "if the pointer is in a range of unmarked data and a first function is selected, unmarking the first sub range and marking the second sub range, and if the pointer is in a range of marked data and a second function is selected, marking the first sub range and unmarking the second sub range."

In the "Response to Argument" section of the Office Action it is argued that the templates in Balnaves are merely functions that can be performed on data. It appears that the Office Action admits that Balnaves does not teach the claimed features but generally teaches some type of functions. However, according to the MPEP to anticipate a claim each and element must be taught by the reference. Since Balnaves fails to teach or even suggest the claimed feature the rejection should be withdrawn.

Independent claim 6 recites "moving a pointer to a first position in the representation, executing an expand function for marking the part of the program extending from the first position to the end of the representation, moving the pointer to a second position in the marked part of the program, executing a truncate function for defining as not marked the part of the program extending from the second position to the end of the representation."

The "Response to Arguments" section of the Office Action recites portions of col. 13, lines 30-40, which clearly teaches the user indicating <u>a point</u>. Specifically, "the user may indicate <u>a point</u> of approval or disapproval, and <u>this point information</u> may be inferred to indicate an entire segment of the output production..."

There is no suggestion of the claimed features, for example <u>moving the pointer to a second position</u> <u>in the marked part</u> of the program, executing a truncate function for defining as not marked the part of the program extending from the second position to the end of the representation.

With regard to independent claim 7 and dependent claims 2-5 and 8-13, applicant repeats the arguments herein and in the previous response.

Reconsideration is respectfully requested.

Conclusion

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. If there are any questions, the Examiner is respectfully requested to call the undersigned attorney at the number listed below. While it is believed no fee is due, please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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